UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

YA GLOBAL INVESTMENTS, L.P.,

Plaintiff,

V.

MCKENZIE BAY INTERNATIONAL LTD, et al.,

Defendants.

Civil Action No. 09-2107 (JAG)

ORDER

CLOSED

GREENAWAY, JR., U.S.D.J.

On May 26, 2009, Magistrate Judge Madeline Cox Arleo filed a Report and Recommendation ("R&R") (Docket Entry No. 16), pursuant to Fed. R. Civ. P. 72(b) and L. Civ. R. 72.1(a)(2), wherein she recommended that (1) the motion for remand (Docket Entry No. 2), filed by plaintiff, YA Global Investments, L.P. ("Plaintiff"), be granted and (2) Plaintiff's request for attorney's fees (Docket Entry No. 2) be denied. Defendants MTI Energy Management/Lighting Specialists, Inc. ("MTI") and Signature Stock Transfer, Inc. ("SST") (collectively, "Moving Defendants") objected to Judge Arleo's recommendation to remand the case, renewing their argument that SST was fraudulently joined and should be dismissed for lack of personal jurisdiction. Plaintiff objected to Judge Arleo's denial of attorney's fees, arguing that there was no "objectively reasonable basis" for the opposition to the motion to remand.

A magistrate judge's recommended disposition of a dispositive matter is subject to <u>de</u>

novo review. <u>In re U.S. Healthcare</u>, 159 F.3d 142, 145-46 (3d Cir. 1998); <u>Temptations, Inc. v. Wager</u>, 26 F. Supp. 2d 740, 743 (D.N.J. 1998); <u>see also FED. R. Civ. P. 72(b)</u>. This Court has reviewed the parties' submissions and the R&R under the appropriate <u>de novo</u> standard, and agrees with Magistrate Judge Arleo's analysis and conclusion. Therefore,

IT IS, on this 27th day of January, 2010,

ORDERED that Magistrate Judge Arleo's R&R (Docket Entry No. 16) is adopted as the opinion of the Court; and it is further

ORDERED that Plaintiff's motion to remand (Docket Entry No. 2) is GRANTED; and it is further

ORDERED that Plaintiff's request for attorney's fees (Docket Entry No. 2) is DENIED; and it is further

ORDERED that a copy of this Order be served on all parties within seven (7) days of the date of entry of this Order.

S/Joseph A. Greenaway, Jr.
JOSEPH A. GREENAWAY, JR., U.S.D.J.